



FALSE CLAIMS ACTS: TRAINING FOR HHSA CONTRACTORS

*County of San Diego – Health and Human Services
Agency Compliance Office
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FALSE CLAIMS ACTS

DISCLAIMER

These slides are intended to help HHSA contractors manage False Claims Acts training requirements. In no way are these slides intended to serve as a replacement for ensuring your agency's adherence to the False Claim Act, nor are these slides necessarily a comprehensive set of training requirements. We encourage HHSA contractors to review these slides before providing to their staff to assess whether these slides meet your needs. We also encourage you to ensure your staff know how to report potential false claims through your internal channels, as well as to the proper authorities.



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BACKGROUND

- The Federal and State false claims acts were enacted to combat fraud, waste and abuse committed by contractors against the government
- We often refer to both sets of rules, together, as 'FCA'
- The FCA rules themselves can be found here:
 - Federal False Claims Act: <https://www.justice.gov/civil/false-claims-act>
 - California False Claims Act:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12650.&article=9.&highlight=true&keyword=False%20Claims%20Act



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'FALSE CLAIMS' ARE WHEN SOMEONE, KNOWINGLY:

- Presents false/fraudulent claims to the Fed or State (or conspires to do so)
- Causes, makes, or uses a false record or statement to get a false claim paid (or conspires to do so), supports an obligation to the government, or decreases such an obligation
- Falsifies receipt for state property or delivers less property than indicated
- Buys/takes a pledge of public property from another not authorized to do so
- Benefits from a false claim to the Fed or State
- Benefits from an inadvertent submission of a false claim and fails to disclose the false claim after discovery



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‘KNOWINGLY’ DEFINITION INCLUDES:

- Actual knowledge that the information is false
- Acts in deliberate ignorance of whether the information is true or false
- Acts in reckless disregard of whether the information is true or false

Proof of specific intent to defraud is not required



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EXAMPLES

- Client Billing
 - Charting more time for a service than actually provided
 - Charting an inaccurate diagnosis to facilitate payment
 - Claiming services that weren't medically necessary
 - Claiming actual service using higher credential
- Having staff work on contracts without appropriate EDM checks or licensures
- Inflating staff timecards
- Falsifying mileage reports or other reimbursables



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WHAT ARE WORKFORCE MEMBERS OBLIGATIONS?

- Workforce members have a duty to prevent fraud, waste and abuse of taxpayer dollars
- Workforce members are obligated to report suspected instances of fraud, waste and abuse
 - FCA calls workforce members who make these report 'whistle blowers'



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WHAT ELSE SHOULD WORKFORCE MEMBERS KNOW?

- FCA encourage workforce members to come forward when they believe false claims are happening
- Whistle blowers may receive financial rewards for coming forward, including a percentage of the amount recovered
- Federal FCA includes anti-retaliation protection for whistleblowers



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TO WHOM DO I REPORT?

- Have you checked with your supervisor or manager?
- Most agencies have their own compliance officer/hotline to whom you can report internally
- You are encouraged to share concerns with the County. The Agency Compliance Office takes all complaints seriously and will do their best to investigate them. Our contact info is on the next slide.
- The County also has an anonymous hotline: 1-866-549-0004 or www.tnwgrc.com/sdcounty



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MORE QUESTIONS? ASK US!

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